

**SUPREME COURT MINUTES
WEDNESDAY, JANUARY 11, 2012
SAN FRANCISCO, CALIFORNIA**

S198434 B229615 Second Appellate District, Div. 4 **PEOPLE v. DAVIS
(ZACHARY EDWARD)**

Petition for review granted; issues limited

The petition for review is granted.

The issue to be briefed and argued is limited to the following: In the absence of expert testimony or a stipulation that MDMA/Ecstasy was a controlled substance or an analog of a controlled substance, did the Court of Appeal correctly hold that substantial evidence supports defendant's convictions?

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu, JJ.

S174475 B204902 Second Appellate District, Div. 4 **SONIC-CALABASAS A, INC.
v. MORENO (FRANK B.)**

Supplemental briefing ordered

In light of the United States Supreme Court's order vacating our judgment in the above-entitled case and remanding the cause to this court "for further consideration in light of *AT&T Mobility LLC v. Concepcion*, 563 U.S. __ (2011) [131 S.Ct. 1740]," the parties are requested to brief the significance of that case. The parties are requested to file and serve simultaneous briefs by February 10, 2012, and may file and serve reply briefs by February 24, 2012.

S198061 C061536 Third Appellate District **PEOPLE v. DAVIS (SYDNEY)**

Petition for review granted; briefing deferred

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Dungo*, S176886, *People v. Gutierrez*, S176620, *People v. Lopez*, S177046, and *People v. Rutterschmidt*, S176213 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu, JJ.

S134332 **GUERRA (JOSE
FRANCISCO) ON H.C.**

Order to show cause issued, returnable in Superior Court (*Atkins* claim)

The Secretary of the Department of Corrections and Rehabilitation is ordered to show cause in the

Los Angeles County Superior Court, when the matter is placed on calendar, why petitioner's death sentence should not be vacated and petitioner sentenced to life imprisonment without the possibility of parole on the ground that he is mentally retarded within the meaning of *Atkins v. Virginia* (2002) 536 U.S. 304, as alleged in claim 14 of the amended petition for writ of habeas corpus filed May 1, 2007. (See *In re Hawthorne* (2005) 35 Cal.4th 40.) The return is to be filed on or before February 10, 2012.

All other claims set forth in the petition for writ of habeas corpus are denied on the merits.

Except insofar as they allege ineffective assistance of counsel, the following claims are additionally barred because they were raised and rejected on appeal (*In re Waltreus* (1965) 62 Cal.2d 218, 225): Claim 1 (to the extent it alleges the trial court erroneously excluded the testimony of Rigoberto de Maderos), 3 (to the extent it alleges the prosecution exercised its peremptory challenges on the basis of race), 4 (to the extent it alleges that his statements to police were erroneously admitted at trial), 6 (to the extent it alleges that the prosecution exercised its peremptory challenges on the basis of race and that the jury rushed to reach its penalty verdict), 8 (to the extent it alleges the prosecutor referred to facts not in evidence during closing argument), 13 (to the extent it alleges trial court bias regarding its interactions with trial counsel and failure to excuse Juror R.), and 16 (except to the extent it alleges the trial court read the probation report).

Except insofar as they allege ineffective assistance of counsel, the following claims are additionally barred because they could have been, but were not, raised on appeal (*In re Dixon* (1953) 41 Cal.2d 756, 759): Claims 7 (to the extent it alleges that the prosecution presented false testimony and that the prosecution's closing argument was improper), 8 (to the extent it alleges the prosecution's opening statement was improper and to the extent it alleges the prosecution's closing argument was improper on grounds other than improper reference to facts not in evidence), 13 (to the extent it alleges trial court bias regarding the defense witnesses who arrived from Guatemala, in admitting Deputy Breton's testimony, remarking about Guatemala, informing the jurors of the cost of trial, arranging for the jury to view the crime scene, and the mounting of the mock-up of the crime scene in the jury room), and 16 (to the extent it alleges the trial court read the probation report).

Claims 1 (except to the extent it alleges that the prosecutor coerced Hector Tobar to investigate petitioner's background and coerced Angela Guerra de Maderos, Edgar Augusto Ramirez Rodriguez, and Irma Samayoa to testify against petitioner), 2, 3 (except to the extent it alleges the prosecution exercised its peremptory challenges on the basis of race and manufactured false evidence in aggravation), 5 (except to the extent it alleges ineffective assistance of counsel), 6 (to the extent it alleges the venire panel of prospective jurors was not representative of a fair cross-section of the community), 7 (except to the extent it alleges that the prosecution presented false testimony and that its closing argument was improper), and 13 (to the extent it alleges trial court bias regarding the purchase of a hamper) are additionally barred on the ground that they were not raised at trial. (*In re Seaton* (2004) 34 Cal.4th 193, 199-201.) Justice Werdegard would not apply the *Seaton* bar to these claims.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegard, Chin, Corrigan, and Liu, JJ.

S197579 H036335/H035675 Sixth Appellate District**AVALOS (MARIO ANGEL)
ON H.C.**

Petition for review granted; transferred to Court of Appeal, Sixth Appellate District, with directions to issue an order to show cause

The petition for review is granted. The matter is transferred to the Court of Appeal, Sixth Appellate District. That court is ordered to vacate its summary denial dated September 21, 2011, and is further ordered to issue an order to show cause, returnable before the Santa Clara County Superior Court. The Secretary of the Department of Corrections and Rehabilitation is to be ordered to show cause, when the matter is placed on calendar, why petitioner is not entitled to withdraw his no contest plea to burglary and assault based on a violation of petitioner's plea agreement, in that, as conceded by the Attorney General in her answer filed with this court on November 21, 2011, petitioner was misadvised as to his maximum possible prison sentence under the plea agreement. The return is to be filed on or before February 10, 2012.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu, JJ.

S198718**MORALES (JOSE LUIS) ON
H.C.**

Petition stricken (case closed)

Due to clerical error, the petition for writ of habeas corpus filed December 14, 2011, in the above-entitled matter is hereby stricken and refiled under S196210, *In re Jose Luis Morales on Habeas Corpus*.

S142741**CLARK (ROYAL) ON H.C.**

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus, filed April 19, 2006, is denied. All claims are denied on the merits.

In addition:

Claim One: Except to the extent it alleges ineffective assistance of counsel, the claim is forfeited because petitioner failed to raise it in the trial court. (*In re Seaton* (2004) 34 Cal.4th 193, 199-200.)

Claim Five: To the extent Claim Five alleges that judicial bias affected the trial court's rulings and conduct of trial after August 1994, it is forfeited because petitioner failed to raise such a challenge in the trial court. (*In re Seaton, supra*, 34 Cal.4th at pp. 199-200.)

Claim Six: The following portions of the claim are denied on the ground that they were raised and rejected on appeal: ¶¶ 2-4, 7.a. (*In re Waltreus* (1965) 62 Cal.2d 218, 225.)

The following portions of the claim are denied on the ground that they could have been, but were not, raised on appeal: ¶¶ 6.b., 7.b-7.g., 8.a.-8.e., 9.a.-9.b., 10.a.-10.j. (*In re Dixon* (1953) 41 Cal.2d 756, 759.)

The following portion of the claim is forfeited because petitioner failed to assert prosecutorial misconduct on this ground in the trial court: ¶ 6.a. (*In re Seaton, supra*, 34 Cal.4th at pp. 199-200.)

Claim Seven: The following portions of the claim are denied on the ground that they were raised and rejected on appeal: ¶¶ 2.a., 10. (*In re Waltreus, supra*, 62 Cal.2d at p. 225.)

The following portion of the claim is denied on the ground that it could have been, but was not, raised on appeal: ¶7. (*In re Dixon, supra*, 41 Cal.2d at p. 759.)

The following portions of the claim are forfeited because petitioner failed to assert them in the trial court: ¶¶ 3-6. (*In re Seaton, supra*, 34 Cal.4th at pp. 199-200.)

Claim Ten: Except to the extent it alleges ineffective assistance of counsel, the claim is forfeited because petitioner failed to object to being shackled or to request a hearing on the matter. (*In re Seaton, supra*, 34 Cal.4th at pp. 199-200.)

Justice Werdegar would not impose a *Seaton* bar on petitioner's claims.

S197248 H035246 Sixth Appellate District

**FRESH EXPRESS v.
BEAZLEY SYNDICATE
2623/623 AT LLOYD'S**

Petition for review denied

S197369 B224345 Second Appellate District, Div. 6

**PEOPLE v. GARCIA
(CHRISTIAN)**

Petitions for review denied

S197514 F060163 Fifth Appellate District

**PEOPLE v. STIGGINS
(DONALD KEITH)**

Petition for review denied

S197599 C065760 Third Appellate District

**PEOPLE v. HATCH (ALBERT
JOSHUA)**

Petition for review denied

S197616 B226607/B228194 Second Appellate District, Div. 4 **PEOPLE v. GOMEZ
(ANTONIO)**

Petitions for review denied

S197633 F060330 Fifth Appellate District

**PEOPLE v. TRUJILLO
(PEDRO)**

Petitions for review denied

S197668 B227239 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. BONGIOVANNI
(ANGELIQUE MARIE)**

S197742 D055290 Fourth Appellate District, Div. 1

Petition for review denied

PEOPLE v. GAONO (MEKI)

S197752 H037033 Sixth Appellate District

Petition for review denied

**BERLINER COHEN v. S.C.
(CORBALIS)**

S197764 B226041 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. HERNANDEZ
(JOSE LUIS)**

S197775 B219746 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. FERGUSON
(PERRY DARNELL)**

S197779 F059255 Fifth Appellate District

Petitions for review denied

**PEOPLE v. LOPEZ
(LUCIANO GALINDO)**

S197856 G045852 Fourth Appellate District, Div. 3

Petition for review denied

**KLASSEN (DAVID) v. S.C.
(SKILES)**

S197858 B228686 Second Appellate District, Div. 1

Petition for review denied

**LANIGAN (ROBERT) v. CITY
OF LOS ANGELES**

S197862 F059356 Fifth Appellate District

Petition for review denied

PEOPLE v. FERRIS (JOSEPH)

S197877 F060231 Fifth Appellate District

Petition for review denied

PEOPLE v. ZAVALA (JOSE BLAS)

S197898 F061894 Fifth Appellate District

Petition for review denied

PEOPLE v. BOGAR (KEVIN LAMONT)

S197913 B226848 Second Appellate District, Div. 1

Petition for review denied

PEOPLE v. VALENZUELA (RICARDO)

S198006 B224163 Second Appellate District, Div. 5

Petition for review denied

PEOPLE v. MIRANDA (ROBERT FRANK)

S198011 F059845 Fifth Appellate District

Petition for review denied

PEOPLE v. CONTRERAS (RALPH RAUL)

S198035 C061656 Third Appellate District

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Rodriguez*, S187680.

PEOPLE v. ROOTS, JR., (JAMES TYLER)

S198052 C067093 Third Appellate District

Petition for review denied

PEOPLE v. ADAMS (QUAWNTAY)

S198113 A129018/A130062 First Appellate District, Div. 1

Petition for review & publication request(s) denied

BISHOP (LLOYD) v. HANES (ERNEST)

S198122 G044510 Fourth Appellate District, Div. 3

Petition for review denied

PEOPLE v. NGUYEN (PHI HUNG)

S198123 D058194 Fourth Appellate District, Div. 1

Petition for review denied

PEOPLE v. RAMOS (ERNESTO ALONSO)

S198142 B231468 Second Appellate District, Div. 5

Petition for review denied

IN RE V.D.

S198155 C066619 Third Appellate District

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. McCullough*, S192513.

PEOPLE v. WORMLY (GERALD)

S198175 A128629 First Appellate District, Div. 1

Petition for review denied

PEOPLE v. STRAND (RICHARD LEE)

S198187 B228146 Second Appellate District, Div. 2

Petition for review denied

PEOPLE v. MOON (ADRIAN)

S198192 F063456 Fifth Appellate District

Petition for review denied

GREYHOUND LINES, INC. v. S.C. (STATE OF CALIFORNIA DEPARTMENT OF THE CALIFORNIA HIGHWAY PATROL)

S198242 B224361 Second Appellate District, Div. 7

Petitions for review denied

PEOPLE v. DIAZ (MANUEL)

S198246 A127216 First Appellate District, Div. 3

Petition for review denied

**PEOPLE v. CALDWELL
(JOSEPH)**

S198305 B225326 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. REINOSO
(CHRISTOPHER A.)**

S198319

Petition for writ of mandate/prohibition denied

**NICHOLAS (KARL B.) v.
MILLSTEIN (DAVID J.)**

S198321 C067223 Third Appellate District

Petition for review denied

**PEOPLE v. JOHNSON
(LYDIA LAVERN)**

S198337 C062779 Third Appellate District

Petition for review denied

**PEOPLE v. BLAKE (JAMES
LEE)**

S198379 E051358 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. HENRY
(EDWARD KEVIN)**

S198390 B227418 Second Appellate District, Div. 2

Petition for review denied

**KEMPTON (KIMBERLY) v.
PRUDENTIAL CALIFORNIA
REALTY - JOHN AAROE
DIVISION**

S198396 E053118 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. HANDFORD
(LAWRENCE)**

S198401 D057735 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. WOOLEY
(MAURICE MARLOW)**

S198404 B231454 Second Appellate District, Div. 5

Petition for review denied

IN RE V.O.

S198411 B224915 Second Appellate District, Div. 3

Petition for review denied

**GALICINAO (GLORIA) v.
McMASTER-CARR SUPPLY
COMPANY**

S198412 E050843 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. WARD (MIKE
DAVID)**

S198415 C063131 Third Appellate District

Petition for review denied

**PEOPLE v. McCALL (NOEL
MAURICE)**

S198425 E051764 Fourth Appellate District, Div. 2

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Brown*, S181963.

**PEOPLE v. ORTIZ
(MICHAEL RAYMOND)**

S198426 H036114 Sixth Appellate District

Petition for review denied

**BAKER (DAVID BRIAN) ON
H.C.**

S198428 D057059 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. HERNANDEZ
(FRANCISCO RENE)**

S198430	C061716 Third Appellate District	PEOPLE v. BROWN (PAULA LOUISE)
Petition for review denied		
S198431	B236805 Second Appellate District, Div. 5	SAMPSON (JOSEPH WILFORD) v. S.C. (PEOPLE)
Petition for review denied		
S198436	C063565 Third Appellate District	PEOPLE v. CARPENTER (JOHN ALAN)
Petition for review denied		
S198442	E052031 Fourth Appellate District, Div. 2	PEOPLE v. HERNANDEZ (FRANCISCO JAVIER)
Petition for review denied		
S198451	G044266 Fourth Appellate District, Div. 3	PEOPLE v. MAYA (JOSE AGUSTIN LARA)
Petition for review denied		
S198461	B227368 Second Appellate District, Div. 5	L&M OPTICAL DISC WEST LLC v. MOTION PICTURE ASSOCIATION OF AMERICA, INC.
Petition for review denied		
S198462	B230354 Second Appellate District, Div. 6	PEOPLE v. REDMOND (DANIEL PATRICK)
Petition for review denied		
S198471	F061123 Fifth Appellate District	PEOPLE v. JIMENEZ, JR., (JAVIER)
Petition for review denied		

S198477	B237216 Second Appellate District, Div. 2	WOLFE (MICHAEL) v. S.C. (MONTANA PLAZA HOMEOWNERS ASSOCIATION)
Petition for review denied		
S198482	A128651/A130259 First Appellate District, Div. 1	PEOPLE v. SHAFER (JUDY EILEEN)
Petition for review denied		
S198493	B221462 Second Appellate District, Div. 5	HILTON (STANLEY) v. TOMASI (WILLIAM S.)
Petition for review denied		
S198494	A129373 First Appellate District, Div. 5	PEOPLE v. PATEL (MANOJ)
Petition for review denied		
S198498	F060489 Fifth Appellate District	PEOPLE v. THOMAS (ANTHONY)
Petition for review denied		
S198502	B230713 Second Appellate District, Div. 6	IN RE EDGAR N.
Petition for review denied		
S198504	H036836 Sixth Appellate District	OLIVEREZ (LOUIS) ON H.C.
Petition for review denied		
S198506	D056971 Fourth Appellate District, Div. 1	PEOPLE v. ALVARADO (JOSE)
Petition for review denied		
S198512	B228548 Second Appellate District, Div. 6	PEOPLE v. WILLIAMS (TEDDY SAMUEL)
The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides <i>People v. Johnson</i> , S188619.		

S198517 E052917 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. DOMINGUEZ
(JOSE LUIS)**

S198528 H035143 Sixth Appellate District

Petition for review denied

**PEOPLE v. COLEGROVE
(DEL EDDY)**

S198529 H036097 Sixth Appellate District

Petition for review denied

**COLEGROVE (DEL EDDY)
ON H.C.**

S198530 B229319 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. SOLORIO
(MARCOS)**

S198536 B226838 Second Appellate District, Div. 2

Petition for review denied

PEOPLE v. PUGH (JAMIL)

S198539 B226182 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. RHONE (JAMES
PAUL)**

S198543 H036003 Sixth Appellate District

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Mesa*, S185688.

**PEOPLE v. MARTINEZ
(MANUEL)**

S198544 D060588 Fourth Appellate District, Div. 1

Petition for review denied

The request for judicial notice is denied.

**SANTOS (SYLVIA) v. GEICO
GENERAL INSURANCE
COMPANY**

S198560 B227394 Second Appellate District, Div. 3 **PEOPLE v. CARMONA**
(ALBERT)

Petition for review denied

S198563 H036503 Sixth Appellate District **PEOPLE v. HAYNES**
(DEMONTRE CUNTEZ)

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Lara*, S192784. (See also Pen. Code, § 2900.5, subd. (a).)

S198572 F060925 Fifth Appellate District **PEOPLE v. WILSON**
(WILLARD WADE)

Petition for review denied

S198580 H037638 Sixth Appellate District **JACKSON (LARRY G.) ON**
H.C.

Petition for review denied

S198592 B230878 Second Appellate District, Div. 7 **IN RE JULIUS H.**
Petition for review denied

S198952 **ARTEAGA (LORENZO) v.**
COURT OF APPEAL, SIXTH
APPELLATE DISTRICT
(PEOPLE)

Petition for writ of mandate/prohibition denied

S199012 H037680 Sixth Appellate District **ARTEAGA (LORENZO) v.**
S.C. (PEOPLE)

Petition for review & application for stay denied

S199039 H037692 Sixth Appellate District **ARTEAGA (LORENZO) v.**
S.C. (PEOPLE)

Petition for review & application for stay denied

S199041 H037691 Sixth Appellate District

Petition for review & application for stay denied

**ARTEAGA (LORENZO) v.
S.C. (PEOPLE)**

S193133

Petition for writ of habeas corpus denied

**MALLET (JEROME E.) ON
H.C.**

S193652

Petition for writ of habeas corpus denied

McCOY (KAVIN W.) ON H.C.

S193653

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

**HYSELL (DOUGLAS-
WILLIAM) ON H.C.**

S193657

Petition for writ of habeas corpus denied

**HAGGERTY (DEION) ON
H.C.**

S194766

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

**WILLIAMS (WINSTON) ON
H.C.**

S194807

Petition for writ of habeas corpus denied

**NICHOLAS (MAURICE
BERNARD) ON H.C.**

S194836

Petition for writ of habeas corpus denied

PONCE (JAIME F.) ON H.C.

S195054

Petition for writ of habeas corpus denied

**HAUSEUR (MARK WAYNE)
ON H.C.**

S195327**WILLIAMS (DONALD B.) ON
H.C.**

Petition for writ of habeas corpus denied

S195348**BIBBS II (CARL E.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S195452**VASQUEZ (ANDREW) ON
H.C.**

Petition for writ of habeas corpus denied

S195457**SANDERS, JR., (THEODORE
JOHN) ON H.C.**

Petition for writ of habeas corpus denied

S195576**MAGEE (RUCHELL
CINQUE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S195659**CAMPBELL (EUGENE) ON
H.C.**

Petition for writ of habeas corpus denied

S195675**DUARTE (EDUARDO) ON
H.C.**

Petition for writ of habeas corpus denied

S195715**CHESTANG (EDDIE LEE) ON
H.C.**

Petition for writ of habeas corpus denied

S195724**RODRIGUEZ (JOSE
CARLOS) ON H.C.**

Petition for writ of habeas corpus denied

S195743**HEILMAN (THOMAS JOHN)
ON H.C.**

Petition for writ of habeas corpus denied

S195756**RODRIGUEZ (JOSE
CARLOS) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769.)**S195779****ROGAN (FLOYD) ON H.C.**

Petition for writ of habeas corpus denied

S195794**ALVARES (CARLOS) ON
H.C.**

Petition for writ of habeas corpus denied

S195796**WILLIAMS (ALLEN B.) ON
H.C.**The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S195799****POYRAS (ALEXANDER) ON
H.C.**

Petition for writ of habeas corpus denied

S195886**BURGESS (DAVID) ON H.C.**Petition for writ of habeas corpus denied
Corrigan, J., was recused and did not participate.**S195887****KELLY (OWENS) ON H.C.**

Petition for writ of habeas corpus denied

S195912**PRESTON (ROBERT) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S195935**DUSTIN (DALE OWEN) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S195948**HYDE (PAUL E.) ON H.C.**

Petition for writ of habeas corpus denied

S195964**WADKINS (WAYNE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S195977**BELTRAN (JOSE) ON H.C.**

Petition for writ of habeas corpus denied

S195982**LLOMPART (ROBERTO) ON
H.C.**

Petition for writ of habeas corpus denied

S196213**MITCHELL (EDDIE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Lindley* (1947) 29 Cal.2d 709, 723.)

S196231**WHALLEY (ROBERT) ON
H.C.**

Petition for writ of habeas corpus denied

S196238**JONES (CHARLES) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Lindley* (1947) 29 Cal.2d 709, 723.)

S196298**SHABAZZ (OMAR) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S196307**GUERRA (CHRISTIAN A.)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S196309**CURRY (DeWAYNE ERNEST)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S196314**ACEVEDO (JOSE JUAN) ON
H.C.**

Petition for writ of habeas corpus denied

S196316**CORRELL (NICHOLAS
JAMES) ON H.C.**

Petition for writ of habeas corpus denied

S196317**MENDOZA (RUBEN F.) ON
H.C.**

Petition for writ of habeas corpus denied

S196366**GRUSHEN (KENNETH) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Miller* (1941) 17 Cal.2d 734, 735.)

S196694**CORELLEONE (ACHILLES)
ON H.C.**

Petition for writ of habeas corpus denied

S198282**JUDGE (LARRY LOUIS) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S198915**PIERCE (DALE A.) ON H.C.**

Petition for writ of habeas corpus denied

S199113**THOMPSON (CHIOMA) ON
H.C.**

Stay order filed

Pending final determination of the petition for writ of habeas corpus filed herein, execution of sentence, imposed on October 13, 2011, in the Los Angeles County Superior Court, case no. BA371748, entitled *People v. Chioma Thompson*, is hereby stayed.

S197736

A129754 First Appellate District, Div. 5

**HEYER (RICHARD) v.
GOVERNING BOARD OF
THE MOUNT DIABLO
UNIFIED SCHOOL DISTRICT**

Publication request denied (case closed)

S198053

F060751 Fifth Appellate District

**CORLE (CHARLEY
EUGENE) v. STANISLAUS
COUNTY EMPLOYEES'
RETIREMENT
ASSOCIATION**

Publication request denied (case closed)

S198067

A129671 First Appellate District, Div. 4

**McCOY (WAUKEEN) v.
WALCZAK (KENNETH)**

Publication request denied (case closed)

S198097

B223868 Second Appellate District, Div. 7

**CHANEY (BLAINE) v. GRIGG
(RONALD)**

Publication request denied (case closed)

S197623 A130270 First Appellate District, Div. 1 **JP BUILDERS, INC. v.
LEEBOVE (LISA)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 14, 2012.

S197901 D060710 Fourth Appellate District, Div. 1 **SEE'S CANDY SHOPS, INC. v.
S.C. (SILVA)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 10, 2012.

S197927 F060219/F060727 Fifth Appellate District **GREG OPINSKI
CONSTRUCTION, INC. v.
CITY OF OAKDALE**

The time for granting or denying review in the above-entitled matter is hereby extended to February 10, 2012.

S197947 B226977 Second Appellate District, Div. 8 **YUIN UNIVERSITY v.
KOREAN BROADCASTING
SYSTEM**

The time for granting or denying review in the above-entitled matter is hereby extended to February 10, 2012.

S197952 B218021/B218022/B218024/B220149/B220150/B220151
Second Appellate District, Div. 1 **WERTHEIM LLC v.
OMIDVAR (OLIVER)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 10, 2012.

S191944 B217668 Second Appellate District, Div. 3 **LOS ANGELES, COUNTY OF
v. LOS ANGELES COUNTY
EMPLOYEE RELATIONS
COMMISSION (SERVICE
EMPLOYEES
INTERNATIONAL UNION,
LOCAL 721)**

Extension of time granted

On application of California Department of Personnel Administration and good cause appearing, it is ordered that the time to serve and file the application for permission to file an amicus curiae

brief is extended to February 6, 2012.

S192176 B214397 Second Appellate District, Div. 4 **PEOPLE v. LEIVA (JOSE)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to January 30, 2012.

S195499

**CORELLEONE (ACHILLES)
ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to February 8, 2012.

S196568 C064627 Third Appellate District

**SALAS (VICENTE) v. SIERRA
CHEMICAL COMPANY**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to March 1, 2012.

S198294

**WILSON (DAMION Z.) ON
H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to February 8, 2012.

No further extensions contemplated.

S198465 H035195 Sixth Appellate District

**BULLIS CHARTER SCHOOL
v. LOS ALTOS SCHOOL
DISTRICT**

Extension of time granted

On application of respondents and good cause appearing, it is ordered that the time to serve and file the reply to answer to petition for review is extended to January 17, 2012.

S198996 H035207 Sixth Appellate District

**VARGAS (ANGELINA
MORFIN) v. CITY OF
SALINAS (ANDRE)**

Extension of time granted

On application of respondents, City of Salinas and Dave Mora, and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to January 27, 2012.

S196916 E049333 Fourth Appellate District, Div. 2 **PEOPLE v. MUNIZ (ROMAN VALENTINO)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Stephen S. Buckley is hereby appointed to represent appellant on the appeal now pending in this court.

S022481 **PEOPLE v. NAVARETTE (MARTIN ANTHONY)**

Motion for access to sealed record granted

The unopposed "Application for Release of Files, Records and any Confidential Materials," filed on October 14, 2011, is granted. The Federal Public Defender is granted access to the records in *People v. Martin Navarette* (S022481), and *In re Martin Navarette on Habeas Corpus* (S122097), including all of the confidential and sealed materials. (Cal. Rules of Court, rule 8.328(c)(6).)

It is ordered that the Federal Public Defender not release or cause to be released any of the confidential or sealed materials, or the information contained therein, without further order of this court. If counsel wishes to disclose the contents of the sealed materials in any pleading, those pleadings must be filed under seal, for which permission must be sought with this court. (Cal. Rules of Court, rule 8.46(f).)

The trial court exhibits are not lodged with this court but remain in the superior court and access to those materials therefore should be sought in the superior court.

The Federal Public Defender must supply the personnel and equipment necessary to undertake this examination and copying of the records of this court, which must occur on the premises of this court.

S057321 **PEOPLE v. LOMAX (DARREL LEE)**

Motion for access to sealed record granted

The unopposed "Application for Release of Files, Records and any Confidential Materials," filed on July 19, 2011, is granted in part as follows.

The Federal Public Defender, appointed counsel for Darrel Lee Lomax, is granted access to all of the unsealed records in this court relating to *People v. Darrel Lee Lomax* (S057321), and the following confidential or sealed material: (1) "Confidential 987.9 P.C., Clerk's Transcript, Volume IV"; (2) "Supplemental V, Confidential-987.9 Documents, Clerk's Transcript, Volume 1 of 1 Volume"; (3) Sealed "Copies of Reporter's Transcript pages A38-1 through A38-6" regarding "*People v. Malik Hasan* aka (Lomax), Marsden Motion"; (4) "Probation Officer's Report," for Darrel Lee Lomax; (5) "Marsden" motion filed by Darrel Lee Lomax on

February 23, 2009; and (6) appellate counsel's confidential status reports.

The Clerk is directed to redact juror identifying information from copies of the documents contained in "Supplemental VI, Confidential-For Supreme Court only, Clerk's Transcript, Volume 2 of 2 Volumes, pages 10-20." The Clerk is further directed to substitute each juror's seat number for that juror's name and provide counsel copies of the redacted material. Neither the transcripts nor the status reports, nor any information contained therein, including any personal information of any juror, are to be disclosed to petitioner or any other person.

Counsel must supply the personnel and equipment necessary to undertake the review and copying of these records, which must occur on the court's premises.

It is ordered that counsel not release or cause to be released any confidential or sealed materials in the records, or the information contained therein, without further order of this court.

In all other respects, the motion is denied.

S033149

**PEOPLE v. WEAVER
(LATWON REGENIAL)**

Request for judicial notice granted

The request for judicial notice, filed on January 17, 2007, is granted.

Liu, J., was recused and did not participate.

S198466

ACCUSATION OF COLLINS

Petition denied (accusation)

S198652

ACCUSATION OF WEBSTER

Petition denied (accusation)

S197101

SUN ON DISCIPLINE

Recommended discipline imposed: disbarred

The court orders that ALEXANDER FU-PING SUN, State Bar Number 149437, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

ALEXANDER FU-PING SUN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S196829**DEUTCH ON RESIGNATION**

Resignation declined

This court, having considered the request, declines to accept the voluntary resignation with disciplinary charges pending of RONI LYNN DEUTCH, State Bar Number 152429, as a member of the State Bar of California. (Cal. Rules of Court, rule 9.21(d).) RONI LYNN DEUTCH remains on inactive status. (Cal. Rules of Court, rule 9.21(a).) She may move in the State Bar Court to be restored to active status, at which time the Office of Chief Trial Counsel may demonstrate any basis for her continued ineligibility to practice law. The State Bar Court will expedite the resolution of any request by RONI LYNN DEUTCH to be restored to active status. Any return to active status will be conditioned on RONI LYNN DEUTCH's payment of any dues, penalty payments, and restitution owed by her. The underlying disciplinary matter should proceed promptly.

S197102**SUN ON RESIGNATION**

Resignation declined

This court, having considered the request, declines to accept the voluntary resignation with disciplinary charges pending of ALEXANDER FU-PING SUN, State Bar Number 149437, as a member of the State Bar of California. (Cal. Rules of Court, rule 9.21(d).)

A132157

First Appellate District, Div. 4

**POWELL (CATHERINE) v.
SCHNEIDER (EUGENE)**

The above-entitled matter, now pending in the Court of Appeal, First Appellate District, is transferred from Division Four to Division Five.

